

AMENDED IN SENATE AUGUST 28, 2001

AMENDED IN SENATE JULY 2, 2001

AMENDED IN ASSEMBLY APRIL 19, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 870**

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**Introduced by Assembly Member Wesson  
(Coauthors: Assembly Members Calderon, Maddox, Nation,  
Pescetti, and Reyes)**

February 22, 2001

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An act to add Section 2875.5 to the Public Utilities Code, relating to public utilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 870, as amended, Wesson. Public utilities: automatic calling equipment.

(1) Existing law authorizes the Public Utilities Commission to control and regulate the use of automatic dialing-announcing devices and specifies the hours during which the devices may not be operated.

This bill would prohibit, on and after July 1, 2002, any person operating specified automatic calling equipment from making a telephone connection for which no person, acting as an agent or telemarketer, ~~or prerecorded message~~, is available for the person called, as prescribed. The bill would require the commission to establish, before July 1, 2002, an acceptable error rate for telephone connections made in violation of that prohibition. Because a violation of a requirement of the commission is a crime, this bill, by requiring the commission to establish the error rate, would change the definition of

a crime, thereby imposing a state-mandated local program. The bill would authorize the commission to require any person operating that specified equipment to maintain prescribed records for submission to the commission.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2875.5 is added to the Public Utilities  
2 Code, to read:

3 2875.5. (a) On and after July 1, 2002, no person operating  
4 any automatic equipment that incorporates a storage capability of  
5 telephone numbers to be called or a random or sequential number  
6 generator capable of producing numbers to be called may make a  
7 telephone connection for which no person, acting as an agent or  
8 telemarketer, or ~~prerecorded message~~ is available for the person  
9 called.

10 (b) Notwithstanding subdivision (a), the commission shall  
11 establish an acceptable error rate for telephone connections made  
12 in violation of subdivision (a). The commission shall determine  
13 the error rate, if any, before July 1, 2002.

14 (c) The commission may require any person operating  
15 equipment as described in subdivision (a) to maintain records of  
16 telephone connections made for which no person, acting as an  
17 agent or telemarketer, or ~~prerecorded message, as set forth in~~  
18 ~~subdivision (d) of Section 2872~~, is available for the person called.  
19 The commission may require copies of those records to be  
20 submitted to the commission.

21 SEC. 2. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of  
2 the Government Code, or changes the definition of a crime within  
3 the meaning of Section 6 of Article XIII B of the California  
4 Constitution.

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